

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROOT, INC., *et al.*,

Plaintiffs,

v.

**Civil Action 2:23-cv-512
Judge Sarah D. Morrison
Magistrate Judge Elizabeth P. Deavers**

BRINSON CALEB SILVER, *et al.*,

Defendants.

SCHEDULING ORDER

Based upon the parties' Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and pursuant to the pretrial conference conducted with the parties,¹ the Court **ADOPTS** the following schedule:

INITIAL DISCLOSURES

The parties have already made their initial disclosures.

VENUE AND JURISDICTION

The Court has resolved issues of jurisdiction and venue. The Quantasy Defendants reserve all rights and challenges to jurisdiction.

PARTIES AND PLEADINGS

The parties do not anticipate any further amendments to the pleadings.

DISCOVERY PROCEDURES

All discovery shall be completed by **DECEMBER 1, 2024**. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. ***If the parties are***

¹ Defendants Silver, Collateral Damage, LLC and Eclipse Home Design, LLC did not participate in the preparation of the Rule 26(f) Report or the pretrial conference. Defendant Paige McDaniel, through counsel, appeared for the pretrial conference.

unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

DISPOSITIVE MOTIONS

Any dispositive motion shall be filed by **FEBRUARY 15, 2025**.

EXPERT TESTIMONY

Primary expert reports must be produced by **OCTOBER 1, 2024**. Rebuttal expert reports must be produced by **NOVEMBER 1, 2024**. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

The parties are discussing potential private mediation and will keep the Court informed on this issue.

OTHER MATTERS

None.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel will please immediately make their objection in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: February 1, 2024

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE